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RECENT IMPORTANT DECISIONS

ADJOINING LANDOWNERS — EXCAVATIONS — "CONTIGUOUS" STRUCTURES.— Action to recover damages for an injury to the plaintiff's building due to the act of defendant in excavating to a depth of more than ten feet without protecting the plaintiff's wall. A section of the building code provides, that if an excavation goes below ten feet it shall be the duty of the party excavating to preserve any adjoining or contiguous wall or structure from injury. The excavation was five feet away from the building damaged. *Held*, that the word contiguous contemplates nearness, but with intervening spaces; and that within the meaning of the city ordinance, any building is contiguous which is near enough to be disturbed by the excavation. *Baxter v. York Realty Co.* (1908), 112 N. Y. Supp. 455.

The judge rendering the opinion in the principal case remarked that the referee had entered into a careful consideration of the history of this ordinance, and so the spirit of this particular ordinance may have warranted this construction of the term "contiguous." In view of the fact that this is a statute in derogation of the common law and therefore to be strictly construed, and in view of the definition given in other cases the construction of the term in the principal case appears quite broad. The common law rule is that a man has a right to lateral support for his land from the adjacent land of other proprietors; but this rule does not extend to houses, or other artificial structures thereon erected which increase the lateral pressure on the adjacent land. *Moody v. McClelland*, 39 Ala. 45; *Thurston v. Hancock*, 12 Mass. 221; *Gilmore v. Driscoll*, 122 Mass. 199; *Charless v. Rankin*, 22 Mo. 566; *Transportation Co. v. Chicago*, 99 U. S. 635; contiguous means in close proximity; in actual close contact. *BOUVIER'S DICTIONARY*. Contiguous property, in relation to a street, within the meaning of a statute, is the property which abuts on the street. *County of Adams v. City of Quincy*, 130 Ill. 566. Contiguous means to touch or to be in actual contact. *Bolen Coal Co. v. Ryan*, 48 Mo. App. 512. Contiguous means touching sides; adjoining; adjacent. *Lynn County Bank v. Hopkins*, 47 Kan. 580. Contiguous when used in a policy of fire insurance means in actual close contact. *Arkell et al. v. Commerce Co.*, 69 N. Y. 191. Contiguous means in actual contact or touching. *Holston S. & P. Co. v. Campbell*, 89 Va. 396.

ALIENS—NATURALIZATION—PERSONS OF JAPANESE RACE—"WHITE PERSONS."—A Japanese, holding a certificate of honorable discharge from the regular army of the United States, petitioned the court for admission to citizenship by naturalization. *Held*, Congress has not extended to Japanese people not born in the United States the privilege of becoming adopted citizens of this country. *In re Buntaro Kumagai* (1908), — D. C., W. D., Wash., N. D. —, 163 Fed. 922.

In the year 1862 (Act of July 17, 1862, ch. 200, 12 Stat. L. 597, Fed. Stat. Annot., Vol. 5, p. 205, R. S. of U. S., § 2166) Congress enacted a law in recog-